

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Igor Lvovich SKRYABIN, George PHANI, Sylvia
Medlyn TULLOCH, Graeme Leslie EVANS and
Ben JAUSNIK
Serial no. : 10/577,971
Filed : with an effective filing date of November 3, 2004
For : MULTILAYERED PHOTOVOLTAIC DEVICE ON
ENVELOPE SURFACE
Docket : GRIHAC P47AUS

The Commissioner for Patents
U.S. Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

**PETITION BY JOINT INVENTORS FILING ON BEHALF OF OTHER
JOINT INVENTORS WHO REFUSE TO JOIN IN APPLICATION OR CANNOT BE
REACHED (37 C.F.R. §1.47(a))**

Dear Sir:

We, Sylvia Medlyn TULLOCH, Graeme Leslie EVANS and Ben JAUSNIK, three of the joint inventors of the above identified application, hereby sign below and petition to make this application on behalf of the two non-signing inventors, nameiy, Igor Lvovich SKRYABIN and George PHANI, who refuse to join in this application.

This petition is accompanied by proof of the pertinent facts, set forth in the accompany Statement of Facts in Support of Filing on Behalf of Non-signing Inventor (37 C.F.R §1.47), and the last known addresses of the two non-signing inventors.


The associated petition fee set forth in §1.17(g) in the amount \$200, as required by 37 C.F.R. §1.47(a), is paid herewith.

Respectfully submitted,

3 April 2007
Date


Sylvia Medlyn TULLOCH

4 April 2007
Date


7/01/03/2007 GFREY1 00000034 10577971
200.00 OP
Graeme Leslie EVANS

4 April 2007
Date


Ben JAUSNIK

In my recent experience, Igor Skryabin is refusing to sign any paperwork to assist the assignee, Sustainable Technologies International Pty Ltd to proceed with their patent applications.

It is noted the inventor Igor Skryabin also refused to sign the application paperwork in connection with United States patent application number 10/577,971 and I have made a similar Declaration to this which has been filed in respect of that application.

Also attached is an email message from myself, Lorne Wood-Roe, to Igor Skryabin dated 29 May 2006 to which was attached the Declaration and Power Attorney and Assignment forms in connection with this application.

**PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE
OR PRESERVE THE RIGHTS OF THE PARTIES**

NOTE: This proof **must** be presented where the declaration is signed by a person with sufficient proprietary interest for the nonsigning inventor (37 C.F.R. § 1.47(b)), but is not a requirement when the person signing for the nonsigning inventor is a joint inventor. (37 C.F.R. § 1.47(a)).

If a statutory bar is involved, the act or publication which is believed to constitute the bar should be identified. If a claim for priority is involved, the prior application or applications should be identified.

A diligent effort to prepare the application and obtain the inventor's signature thereon must be made, even if the application is being filed to avoid a bar or to claim priority. M.P.E.P. § 409.03(g), 7th ed.

Irreparable damage may be established by showing that a filing date is necessary to (1) avoid a statutory bar or (2) make a claim for priority, which should identify the prior application(s) involved.

Preservation of the rights of the parties may be demonstrated by a showing that the nonsigning inventor may reasonably be expected to enter into competition with the person having a proprietary interest and signing on behalf of the nonsigning inventor or that a firm plan for commercialization of the subject matter of the application has been adopted.

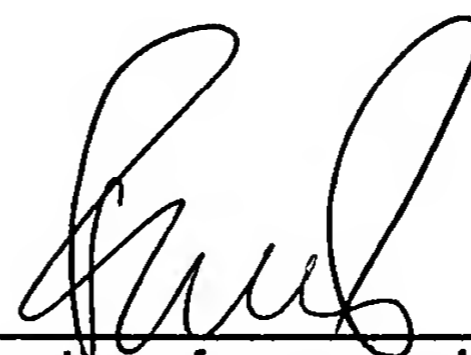
M.P.E.P. § 409.03(g), 7th ed.

*(if this proof is not needed and not being presented,
then draw a line through this page of the form.)*

(use Supplemental Page(s), if necessary)

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 6 of 7)

Date: 16 August 2006



Signature of person making statement

☒ Plus 2 Added Page(s)

Griffith Hack
Attn: Lorne Wood-Roe

1-June-06
Dear Lorne,

Ownership of Rights to Inventions
Disclosed in Patent Application PCT/AU2004/001513 in the Name of STI.
Your ref: LWR:RC:GF59316:GM59316

It is evident from your letter of 26 May 2006 that you have been misinformed about the facts in this matter. Our understanding of the general legal situation with regard to employed inventors does not differ materially from that stated in your letter but the facts you have presented differ substantially.

Relevant facts of which you should be aware are the following:

- 1 Before approaching us in May 2006, STI entered the national phase in Australia as a sole applicant, and the application No AU2004307195 was listed in the Australian Official Journal of Patents of 18 May 2006. To our great dissatisfaction we found that Sylvia Tulloch is listed as the first inventor instead of Igor Skryabin. In addition George Phani was moved to the end of the list.
- 2 Sylvia Tulloch has been wrongly joined as an inventor of this invention, having made no contribution to the invention. She was a director of STI but not an inventor. In the event that she wishes to contest our assertions in this regard, we invite her to (i) indicate what novel feature of the invention as now claimed she contributed and (ii) show us copies of her laboratory or other notes made at the time.
- 3 As you will be aware, wrongful joining of an inventor can invalidate a US patent.
- 4 The international patent application is based on a number of inventions made prior to the PCT filing date of 4-Nov-04. The last inventive contributions were made by us in a period from July 2004 to the PCT filing date.
- 5 From July 2004 STI had failed to pay us. Any implicit contract (there was no written contract) of employment between us and STI in which (inter alia) rights to inventions are exchanged for salary was therefore rendered null and void.
- 6 The written contract from which you quote is irrelevant, not being with STI but with another company, long defunct. It will serve your clients no purpose submitting that contract to the USPTO or to any other Patent Office as evidence of STI ownership of the invention.

In view of the above, we suggest that we start afresh in our discussions in this matter and work to resolve these issues sensibly without jeopardising the patent rights concerned, which is in nobody's interest.

As the first necessary step we would be asking STI to ensure that the Australian patent application No AU2004307195 is amended so that the inventors are named in the original order.

As the final step, based on reconciliation of our salaries unpaid during the period from July 2004, we would be prepared to assign to STI our invention.



Igor Skryabin



George Phani

Lorne Wood-Roe

From: Lorne Wood-Roe
Sent: Monday, 29 May 2006 11:06 AM
To: 'Igor Skryabin'; 'igor.skryabin@anu.edu.au'
Cc: 'GavinTulloch'
Subject: RE: Ownership of Rights to Inventions

Attachments: PCTAU2004001513 Combined Declaration and Power of Attorney.pdf;
PCTAU2004000689 Assignment of Invention.pdf; PCTAU2004000689 Combined
Declaration and Power of Attorney.pdf; PCTAU2004001513 Assignment of Invention.pdf



PCTAU2004001513 PCTAU2004000689 PCTAU2004000689 PCTAU2004001513
Combined Decla... Assignment of ... Combined Decla... Assignment of ...

Dear Igor,

I sent you the forms "Combined Declaration and Power of Attorney" and "Assignment of Invention" by email on 2nd March 2006. They related to application PCT/AU2004/000689. I attach copies of those forms again.

I now also attach the same type of forms relating to another case, PCT/AU2004/001513.

Please let me know if you will sign these forms.

Regards

Lorne

Practitioner's Docket No. GRIHAC P47AUS**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Igor Lvovich Skryabin, George Phani, Sylvia Medlyn Tulloch....
 For: MULTILAYERD PHOTOVOLTAIC DEVICE ON ENVELOPE SURFACE

the specification of which:

(check and complete (a), (b), or (c))

- (a) ☐ is attached hereto.
- (b) ☒ was filed on ^{effectively} 11.03.2004, as Application Serial No 10 / 577,971 and was amended on _____ (if applicable).
- (c) ☐ was described and claimed in International Application No. _____ filed on _____ and as amended on _____ (if any).

**STATEMENT OF FACTS IN SUPPORT OF FILING
 ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. § 1.47)**

NOTE: This statement as to the pertinent facts concerning the refusal of the nonsigning inventor to join in the application or where the omitted inventor cannot be found or reached must accompany the declaration signed on behalf of the omitted inventor by a joint inventor or by a legal representative who shows a proprietary interest. Where the entity with a proprietary interest executes the declaration on behalf of the omitted inventor there must also be a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. 37 C.F.R. §§ 1.47(a) and (b).

NOTE: "The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions." MPEP, § 409.03(d), 8th Edition.

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

(check next item, if applicable)

- ☐ Because signing on behalf of the nonsigning inventor is by a person or entity showing a sufficient proprietary interest, this statement also recites facts as to why this action was necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

NOTE: The statement "must be signed, where at all possible, by a person having first-hand knowledge of the facts recited therein." M.P.E.P. § 409.03(d), 8th ed. If different persons have first-hand knowledge of different facts, then a declaration from each such person as to those facts he or she knows should be submitted separately.

NOTE: Copies of documentary evidence, such as internet searches, certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions. M.P.E.P. § 409.03(d), 8th ed.

IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

Name

Lorne Wood-Roe

Address

c/- Griffith Hack, Level 29, Northpoint, 100 Miller Street,

North Sydney NSW 2060

EFFORTS DURING CONVENTION YEAR TO PREPARE APPLICATION AND OBTAIN INVENTOR'S SIGNATURE

NOTE: In cases where priority under 35 U.S.C. § 119 is to be claimed, the 37 C.F.R. § 1.47 applicant should explain what efforts, if any, were made during the Convention year to prepare the application and obtain the inventor's signature thereon. The period allowed by the Convention year should "be sufficient for the preparation and deposit of an application . . . in the form required by the rules." . . . Accordingly, 37 C.F.R. § 1.47 may not be used "to save the parties from the consequences of their delay." M.P.E.P. § 409.03(d), 7th ed.

Griffith Hack Patent and Trade Mark Attorneys assumed conduct of this application on or around February 2006. This was after the expiry of the convention year and I am unsure of what efforts were made to obtain the inventor's signature at that time.

(use Supplemental Page(s), if necessary)

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 2 of 7)

LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR

NOTE: MPEP, § 409.03(e), 8th Edition:

"An application filed pursuant to 37 CFR 1.47 must state the last known address of the nonsigning inventor.

"That address should be the last known address at which the inventor customarily receives mail. See MPEP § 605.03. Ordinarily, the last known address will be the last known residence of the nonsigning inventor.

"Inasmuch as a nonsigning inventor is notified that an application pursuant to 37 CFR 1.47 has been filed on his or her behalf, other addresses at which the nonsigning inventor may be reached should also be given."

Full name of nonsigning inventor

George Phani

Last known address of nonsigning inventor

88 Sylvan Ridge Road, Illawong NSW 2234 Australia

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor, but other addresses at which the nonsigning inventor may be reached should also be given in the space below. M.P.E.P. § 409.03(e), 6th ed.

DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR

NOTE: Complete either these facts or the facts as to **REFUSAL OF NONSIGNING INVENTOR TO SIGN APPLICATION PAPERS** or both, in applicable circumstances.

NOTE: "The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions." MPEP, § 409.03(d), 8th Edition.

(use Supplemental Page(s), if necessary)

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 4 of 7)

**DETAILS OF REFUSAL OF NONSIGNING INVENTOR
TO SIGN APPLICATION PAPERS**

NOTE: Complete either these facts or the facts as to **DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR** or both, in applicable circumstances.

NOTE: MPEP, § 409.03(d), 8th Edition:

"A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

"Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

"Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

"When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition."

George Phani was presented with the application paperwork and sent me a written refusal in the form of a letter 22 May 2006 (copy attached).

I later received another letter co-authored by George Phani and Igor Skryabin dated 1 June 2006 in which George again reiterates his refusal to sign.

George Phani and Igor Skryabin are both ex-employees of the assignee company Sustainable Technologies International Pty Ltd.

(use Supplemental Page(s), if necessary)

**PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE
OR PRESERVE THE RIGHTS OF THE PARTIES**

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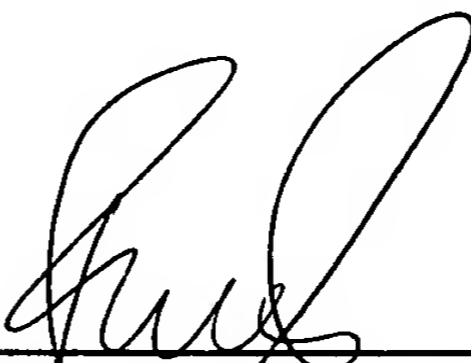
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M.P.E.P. § 409.03(g), 7th ed.

(if this proof is not needed and not being presented,
then draw a line through this page of the form.)

(use Supplemental Page(s), if necessary)

Date: 16 August 2006



Signature of person making statement

☐ Plus _____ Added Page(s)

FP23684 - For file

22 May 2006
Lorne Wood-Roe
Griffith Hack
Level 29 Northpoint
100 Miller Street North Sydney
NSW 2060 Australia

GPO Box 4164 Sydney
NSW 2001 Australia

Tel +61 02 9925 5900
Fax +61 02 9925 5911

George Phani
88 Sylvan Ridge Dr
ILLAWONG NSW 2234
georgephani@hotmail.com
ph 02 95432341

Dear Mr Wood-Roe,



I read the power of attorney forms for PCT/AU2004/001513 invention titled :MULTILAYERED PHOTOVOLTAIC DEVICE ON ENVELOPE SURFACE, in particular the paragraph stating 'consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration'.

As a key inventor to this invention, I do not assign this invention to Sustainable Technologies International Pty Ltd (STI) in the USA or in any other country. I am prepared, however, to review my position if your client STI proposes compensation appropriate for this principal invention in photovoltaics, particularly – in DSC technology.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "George Phani".

George Phani

georgephani@hotmail.com

FAXED
22/5/06

Griffith Hack
Attn: Lorne Wood-Roe

1-June-06
Dear Lorne,

Ownership of Rights to Inventions
Disclosed in Patent Application PCT/AU2004/001513 in the Name of STI.
Your ref: LWR:RC:GF59316:GM59316

It is evident from your letter of 26 May 2006 that you have been misinformed about the facts in this matter. Our understanding of the general legal situation with regard to employed inventors does not differ materially from that stated in your letter but the facts you have presented differ substantially.

Relevant facts of which you should be aware are the following:

- 1 Before approaching us in May 2006, STI entered the national phase in Australia as a sole applicant, and the application No AU2004307195 was listed in the Australian Official Journal of Patents of 18 May 2006. To our great dissatisfaction we found that Sylvia Tulloch is listed as the first inventor instead of Igor Skryabin. In addition George Phani was moved to the end of the list.
- 2 Sylvia Tulloch has been wrongly joined as an inventor of this invention, having made no contribution to the invention. She was a director of STI but not an inventor. In the event that she wishes to contest our assertions in this regard, we invite her to (i) indicate what novel feature of the invention as now claimed she contributed and (ii) show us copies of her laboratory or other notes made at the time.
- 3 As you will be aware, wrongful joining of an inventor can invalidate a US patent.
- 4 The international patent application is based on a number of inventions made prior to the PCT filing date of 4-Nov-04. The last inventive contributions were made by us in a period from July 2004 to the PCT filing date.
- 5 From July 2004 STI had failed to pay us. Any implicit contract (there was no written contract) of employment between us and STI in which (inter alia) rights to inventions are exchanged for salary was therefore rendered null and void.
- 6 The written contract from which you quote is irrelevant, not being with STI but with another company, long defunct. It will serve your clients no purpose submitting that contract to the USPTO or to any other Patent Office as evidence of STI ownership of the invention.

In view of the above, we suggest that we start afresh in our discussions in this matter and work to resolve these issues sensibly without jeopardising the patent rights concerned, which is in nobody's interest.

As the first necessary step we would be asking STI to ensure that the Australian patent application No AU2004307195 is amended so that the inventors are named in the original order.

As the final step, based on reconciliation of our salaries unpaid during the period from July 2004, we would be prepared to assign to STI our invention.



Igor Skryabin



George Phani

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Igor Lvovich SKRYABIN, George PHANI,
Sylvia Medlyn TULLOCH, Graeme Leslie
Serial no. : 10/577,971
Filed : with an effective filing date of November 3,
2004
For : MULTILAYERED PHOTOVOLTAIC DEVICE
ON ENVELOPE SURFACE
Docket : GRIHAC P47AUS

The Commissioner for Patents
U.S. Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

DECLARATION BY MICHAEL J. BUJOLD

Dear Sir:

Further to the Petition by the Joint Inventor(s) on Behalf of the Other Joint Inventor(s) and the accompanying Statement of Facts, please be advised that the undersigned forwarded a letter, on October 16, 2006, to inventor Igor Lvovich SKRYABIN ("Mr. Skryabin") which included a Declaration and Power of Attorney form along with a copy of the application papers—see enclosed copy of that letter—a copy of that letter was also sent to Australian Attorney William Szekel, the attorney representing Mr. Skryabin. Mr. Skryabin did not sign and return the forwarded Declaration and Power of Attorney form but sent an email reply to my letter on November 1, 2006, see attached copy thereof. In addition, the office of the undersigned received an email, date October 19, 2006, from inventor George PHANI which is also attached hereto.

In addition to the above, Lorne Wood-Roe, the Australian associate who instructing the undersigned concerning the filing of this application with the United States Patent and Trademark Office, recently forwarded a copy of the application papers and the associated forms to Attorney William Szekel, with his letter dated 10 October 2006, and a copy of that letter is enclosed. That 10 October 2006 letter, from the Australian associate, also included a copy of the specification concerning the above identified application and the necessary Declaration and Power of Attorney form. In an

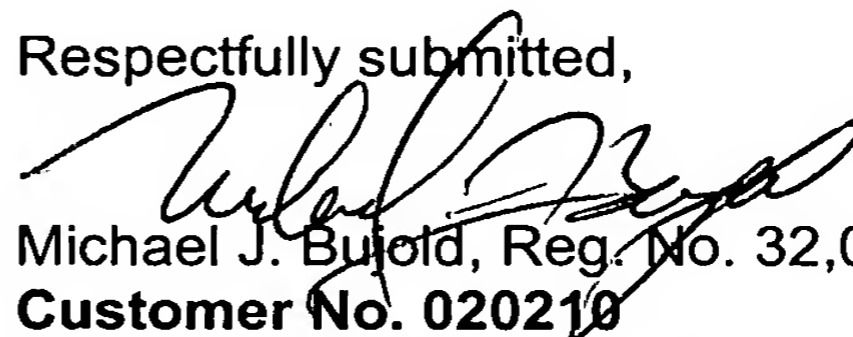
10/577,971

e-mail dated September 28, 2006, Mr. Skryabin indicated that he is not yet able to sign the form—see enclosed copy of that email.

A copy of a June 30, 2006 letter from Australian Attorney Phil Haywood, the attorney representing Mr. Phanis, is also attached and this letter indicates the Mr. Phani is not in a position to sign the forwarded forms.

The undersigned declares further that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent(s) issuing thereon.

Respectfully submitted,



Michael J. Bujold, Reg. No. 32,018

Customer No. 020210

Davis Bujold & Daniels, P.L.L.C.

112 Pleasant Street

Concord, NH 03301-2931

Telephone 603-226-7490

Facsimile 603-226-7499

E-mail: patent@davisandbujold.com

MICHAEL J. BUJOLD
(ADMITTED IN NH & ME)

NEAL E. FRIEDMAN
(ADMITTED IN MA ONLY)

SCOTT DANIELS
(ADMITTED IN NH)

JAY S. FRANKLIN
(Agent)

LAW OFFICES
DAVIS & BUJOLD, P.L.L.C.
112 PLEASANT STREET
CONCORD, NEW HAMPSHIRE 03301-2931
UNITED STATES OF AMERICA

TELEPHONE (603) 226-7490
FACSIMILE (603) 226-7499
E-mail: patent@davisandbujold.com

OF COUNSEL
GARY D. CLAPP
(ADMITTED IN MA ONLY)

RETIRED
ANTHONY G.M. DAVIS
(ADMITTED IN NY ONLY)
CHARTER PATENT AGENT (U.K.)
EUROPEAN PATENT ATTORNEY

BOSTON ADDRESS:
P.O. BOX 67463
BROOKLINE MA 02467
(617) 327-1236

October 16, 2006

Dr. Igor Skryabin
76 Schlich Street
Yarralumla ACT 2600
AUSTRALIA

RE: Igor Lvovich SKRYABIN and Sylvia Medlyn TULLOCH
U.S. Patent Appln. No. 10/570,530
filed with an effective filing date of May 21, 2004
COMBINED PHOTOELECTROCHEMICAL CELL AND CAPACITOR
Our ref: GRIHAC P46AUS
Your ref: LWR:TJS:GAH:FP23432

Igo Lvovich SKRYABIN, George PHANI, Sylvia Medlyn TULLOCH, Graeme
Leslie EVANS and Ben JAUSNIK
U.S. Patent Appln. No. 10/577,971
filed with an effective filing date of November 3, 2004
MULTILAYERED PHOTOVOLTAIC DEVICE ON ENVELOPE SURFACE
Our ref: GRIHAC P47AUS
Your ref: FP23684

Igor Lvovich SKRYABIN and Graeme Leslie EVANS
U.S. Patent Appln. No. 10/583,121
filed with an effective filing date of December 17, 2004
METHOD FOR ELECTROLYTIC ENGINEERING OF NANO-PARTICULATE
LAYERS
Our ref: GRIHAC P48AUS
Your ref: LWR:JBW:FP23978

Dear Dr. Skryabin:

Thank you for your letter of October 4, 2006 concerning the above referenced matters. We note that you acknowledge you are one of the true and actual inventors of each of the above identified applications.


The purpose of this letter is to merely ask you to sign and date the enclosed Declaration and Power of Attorney forms so that our office may proceed with efficient prosecution of each of the above identified applications before the United States Patent and Trademark Office. As you are probably aware, the Declaration and Power of Attorney merely provides our office with power to prosecute these applications before the United States Patent and Trademark Office but does not, in any way, affect ownership of these applications. That is, unless and until the above identified

applications are assigned, ownership in and to those applications will remain in the name of the true and actual inventors.

In view of the above clarification, we ask that you please reconsider this matter. Assuming you are in agreement, we ask that you please review the enclosed application papers and, if acceptable, please sign, date and return the enclosed Declaration and Power of Attorney forms to our office for filing with the United States Patent and Trademark Office at an early date. A self address envelope is enclosed to facilitate return of the signed Declaration and Power of Attorney forms. Signing and returning the enclosed Declarations will prevent a potential loss of patent rights for each of these cases but will not, in any way, affect ownership of these patent applications.

If you or your Attorney has any questions concerning any of these matters, please contact our office.

Yours sincerely,
DAVIS & BUJOLD, P.L.L.C.


Michael J. Bujold

MJB:tac
Enclosures

cc: William Szekely (with enclosures)
Lorne Wood-Roe

COMBINED DECLARATION AND POWER OF ATTORNEY

(Original, Design, National Stage of PCT, Supplemental)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

- ☐ original
☐ design
☐ supplemental
☒ National Stage of PCT
☐ divisional (see added page)
☐ continuation (see added page)
☐ continuation-in-part (see added page)

INVENTORSHIP IDENTIFICATION

My/our residence, post office address and citizenship is/are as stated below next to my/our name. I/We believe that the named inventor or inventors listed below is/are the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTIONMULTILAYERED PHOTOVOLTAIC DEVICE ON ENVELOPE SURFACE**SPECIFICATION IDENTIFICATION**

The specification of which: (complete (a), (b) or (c))

- (a) ☐ is attached hereto.
(b) ☐ was filed _____ as
Serial No. _____ or
Express Mail No. _____ as Serial No. (not yet known) and
was amended on _____ (if applicable).
(c) ☐ was described and claimed in PCT International Application No.
PCT/AU2004/001513 filed on November 3, 2004 and as amended under PCT
Article 19 on _____ (if any).
(d) ☐ amended on _____

POWER OF ATTORNEY

As a named inventor, I hereby appoint all of the practitioners associated with the **Customer Number 020210**, namely, Anthony G. M. Davis, Registration No. 27,868, Gary D. Clapp, Registration No. 29,055, Michael J. Bujold, Registration No. 32,018, Scott A. Daniels, Registration No. 42,462 and Jay S. Franklin, Registration No. 54,105, as attorneys and/or agents to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection therewith.

- ☐ Attached as part of this Declaration and Power of Attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

Send Correspondence to:

Customer No. 020210
Davis & Bujold, P. L. L. C.
Fourth Floor
500 N. Commercial Street
Manchester, NH 03101-1151

Direct Telephone Calls to: (603) 624-9220

Direct Facsimiles to: (603) 624-9229

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I/We hereby state that I/we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I/We acknowledge the duty to disclose to the United States Patent Office all information which is known to be material to patentability of this application as defined in § 1.56 of Title 37 of the Code of Federal Regulations.

PRIORITY CLAIM

I/We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me/us on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

COUNTRY	APPLICATION NO.	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
Australian	2003906026	November 3, 2003	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Australian	2003906361	November 19, 2003	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Australian	2004903440	June 24, 2004	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Australian	2004905662	September 24, 2004	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

☐ I/We hereby claim the benefit, under 35 U.S.C. 119(e), of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

DECLARATION

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Igor Lvovich SKRYABIN

Inventor's signature: _____ Date: _____

Post Office Address: 76 Schlich Street, Yarralumla, ACT 2600, AUSTRALIA

Residence: Same as Above Country of Citizenship: AU

Full name of second joint inventor: George PHANI

Inventor's signature: _____ Date: _____

Post Office Address: 88 Sylvan Ridge Road, Illawong, NSW 2234, AUSTRALIA

Residence: Same as Above Country of Citizenship: AU

Full name of third joint inventor: Sylvia Medlyn TULLOCH

Inventor's signature: _____ Date: _____

Post Office Address: 1052 Burra Road, Burra Creek, NSW 2620, AUSTRALIA

Residence: Same as Above Country of Citizenship: AU

Full name of fourth joint inventor: Graeme Leslie EVANS

Inventor's signature: _____ Date: _____

Post Office Address: 8 Karney Street, Kambah, ACT 2902, AUSTRALIA

Residence: Same as Above Country of Citizenship: AU

Full name of fifth joint inventor: Ben JAUSNIK

Inventor's signature: _____ Date: _____

Post Office Address: 100 La Perouse Street, Griffith, ACT 2603, AUSTRALIA

Residence: Same as Above Country of Citizenship: AU

IMPORTANT NOTICE RE DUTY OF CANDOR AND GOOD FAITH

The Duty of Disclosure requirements of Section 1.56(a), of Title 27 of the Code of Federal Regulations, are as follows:

A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application, and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Patent Office all information they are aware of which is known to be material to patentability of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

By virtue of this regulation, each inventor executing the Declaration for the filing of a patent application acknowledges his/her duty to disclose information of which he/she is aware and which may be material to the examination of the application.

Inherent in this is the duty to disclose any knowledge or belief that the invention:

(a) was ever known or used in the United States of America before his/her invention thereof;

(b) was patented or described in any printed publication in any country before his/her invention thereof or more than one year prior to the actual filing date of the United States patent application;

(c) was in public use or on sale in the United States more than one (1) year prior to the actual filing date of the United States patent application; or

(d) has been patented or made the subject of inventor's certificate issued before the actual filing date of the United States patent application in any country foreign to the United States on an application filed by him/her or his/her legal representative(s) or assign(s) more than twelve (12) months before the actual filing date in the United States.

NOTE: The "Information" concerned includes, but is not limited to, all published applications and patents, including applicant(s) and assignee(s) own, United States or foreign application(s) and patent(s), as well as any other pertinent prior art known, or which becomes known, to the inventor or his/her representative(s). Where English language equivalents of foreign language documents are known, they should be identified and, when possible, copies supplied. Failure to comply with this requirement may result in a patent issued on the application being held invalid even if the known prior art which is not supplied is material to only one claim of that patent.

If there is any doubt concerning whether or not a citation is "material" to patentability of the application, it is better to err on the side of safety and disclose such art to the United States Patent Office.